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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable

 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	128019200201
Assistant Commissioner for Patents	First Named Inventor	Massab
Box CPA	Examiner Name	J. Parkin
Washington, D.C. 20231	Group Art Unit	1648
	Express Mail Label	EL 452 117 650 US

This is a request for a continuation or divisional application under 37 C.F.R. § 1.53(d),

(continued prosecution application (CPA)) of prior application number 08/573,569 filed on December 14, 1995, entitled COLD-ADAPTED INFLUENZA VIRUS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 C.F.R. § 1.78(a).

1. Enter the unentered amendment previously filed on * under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior application:
- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

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CLAIMS				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	13 - 20* =	0	x \$18.00 =	\$0
IND. CLAIMS (37 C.F.R. § 1.16(b) or (i))	5 - 3** =	2	x \$ 78.00 =	\$156.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$0 =	\$0
			BASIC FEE (37 CFR § 1.16)	\$760.00
			Total of above Calculations =	\$916.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)				\$0
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$916.00

6. Small entity status:
- A small entity statement is enclosed, if (b) and (c) do not apply.
 - A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 - Is no longer claimed.
7. The Commissioner is hereby authorized to credit any overpayments or charge underpayments of the following fees, including any necessary fees for extension of time to Deposit Account No. **50-0974**.
- Fees required under 37 C.F.R. § 1.16.
 - Fees required under 37 C.F.R. § 1.17
 - Fees required under 37 C.F.R. § 1.18.
8. A check in the amount of \$916.00 is enclosed.
9. New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
10. a. Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
b. Return Receipt Postcard (should be specifically itemized, See MPEP 503)
11. Other: Petition for Extension of Time for Two Months

12. **Conditional Petition for Extension of Time:**

An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

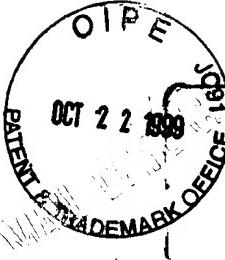
**NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.**

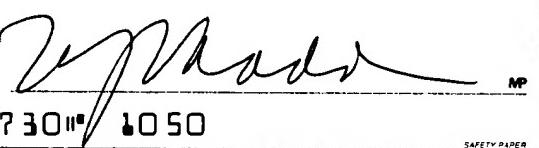
12. NEW CORRESPONDENCE ADDRESS

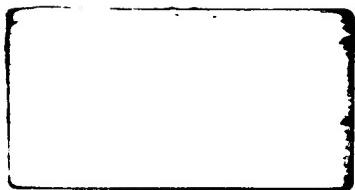
Customer Number 022836

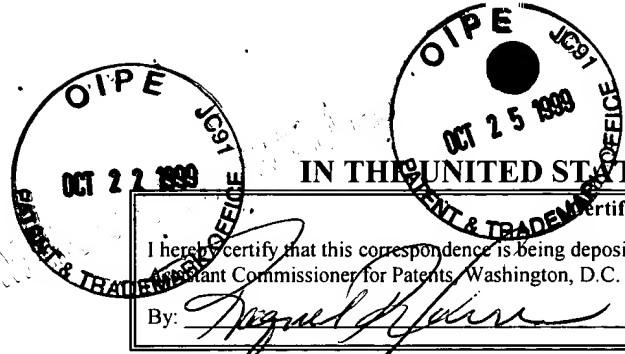
13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name: Signature: Registration No. Date:	Antoinette F. Konski  34,202 October 14, 1999
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BAKER & MC KENZIE PATENT ACCOUNT PH. 415-576-3000 TWO EMBARCADERO CENTER, 24TH FLR. SAN FRANCISCO, CA 94111		90-7118/396 3211 000200012730	1050
PAY TO THE ORDER OF <u>Assistant Commissioner for Patents</u>		DATE <u>14 Oct 99</u>	
<u>\$ 1296.00</u> <u>one thousand, two hundred ninety-six only</u>		DOLLARS	<small>Security features includes Denotes on back</small>
CITIBANK® CITIBANK, F.S.B. THE CITIBANK PRIVATE BANK ONE SANSOME STREET, 24TH FLOOR SAN FRANCISCO, CA 94104		 MEMO <u>Urgent US App N. 08/573,569</u>	
1050 1000 2000 12730 1050			





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on OCT 26, 1999.

By: Raquel R. Torres Name of person signing: Raquel R. Torres

RECEIVED

OCT 26 1999

TECH CENTER 1600/2900

In re Application for:

MAASSAB et al.

Serial No. 08/573,569

Filing Date: December 14, 1995

Title: COLD-ADAPTED INFLUENZA
VIRUS

Examiner: J. Parkin

Group Art Unit: 1648

**AFFIRMATION OF LARGE ENTITY STATUS
UNDER 37 C.F.R. § 1.27**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

A request for a Continuing Prosecution Application ("CPA") was filed in connection with the above-identified application on October 15, 1999, a copy of which is attached to this paper. The transmittal form filed with the CPA incorrectly indicated that the Assignee and Applicants were still entitled to small entity status and therefore, could pay reduced fees. However, small entity status is no longer applicable in the subject application and a check for the correct amount as a large entity was attached. This Communication is submitted to bring the error to the Office's attention and to further affirm that the subject application is no longer entitled to small entity status.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required, or to credit any overpayment to **Deposit Account No. 50-0974**, referencing docket no. 128019200201.

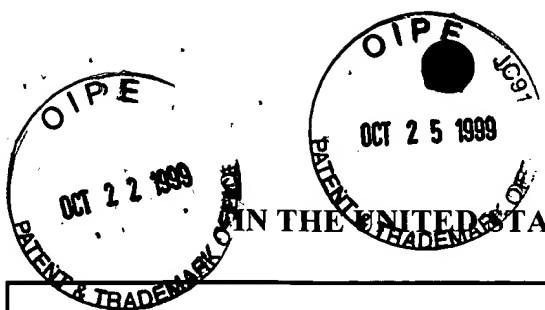
Respectfully submitted,

Dated: Oct. 20, 1999

By: 
Antoinette F. Konski
Reg. No. 34,202

Baker & McKenzie
660 Hansen Way
Palo Alto, California 94304
Telephone: (650) 856-2400
Facsimile: (650) 856-9299

Appl. No. 08/573,569
Docket No. 128019200201



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**TRANSMITTAL
FORM**

(to be used for all correspondence after filing)

Total number of Pages in this submission

7

Application Number	08/573,569
Filing Date	December 14, 1995
First Named Inventor	Maassab et al.
Group Art Unit	1648
Examiner Name	J. Parkin
Attorney Docket No.	128019200201

Assistant Commissioner for Patents
Washington, D.C. 20231

ENCLOSURES (check all that apply)		
<input type="checkbox"/> FEE TRANSMITTAL FORM <input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION)	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP
<input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL	<input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input type="checkbox"/> EXTENSION OF TIME	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> APPEAL COMMUNIATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):
<input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION	<input type="checkbox"/> SMALL ENTITY STATEMENT	AFFIRMATION OF LARGE ENTITY STATUS
<input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533	<input type="checkbox"/> REQUEST FOR REFUND	COPY OF FILED CPA AND RELATED DOCUMENTS
<input type="checkbox"/> ISSUE FEE TRANSMITTAL	REMARKS:	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
BAKER & MCKENZIE 660 HANSEN WAY PALO ALTO, CALIFORNIA 94304 TELEPHONE: (650) 856-2400 FACSIMILE: (650) 856-9299		DATE: OCTOBER 20, 1999 BY: <u>Antoinette Koniski</u> ANTOINETTE F. KONSKI, REG. NO. 34,202

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: October 20, 1999.

By: Raquel R. Torres Name of person signing: Raquel R. Torres